

Public Chapter 455

HOUSE BILL NO. 756

By Representatives Jackson, Pleasant, Haley, Hargett

Substituted for: Senate Bill No. 1367

By Senator Rochelle

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 32, Part 1; Title 40, Chapter 35, Part 3 and Title 40, Chapter 39, relative to pretrial diversion and the "Sexual Offender Registration and Monitoring Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-32-101, is amended by adding the following to the end of subsection (a)(1):

Provided, however, the records of a person who successfully completes a diversion program pursuant to § 40-15-102--40-15-105 shall not be removed and destroyed pursuant to this section if the offense for which prosecution was suspended was a sexual offense as defined by Tennessee Code Annotated, Section 40-39-102(3).

SECTION 2. Tennessee Code Annotated, Section 40-35-313, is amended by inserting the following between the first and second sentences of subsection (b):

Provided, however, no records of a person who is dismissed from probation and whose proceedings are discharged pursuant to this section shall be expunged if the offense for which deferral and probation was granted was a sexual offense as defined by Tennessee Code Annotated, Section 40-39-102(3).

SECTION 3. Tennessee Code Annotated, Title 40, Chapter 39, is amended by adding the following as a new section:

Section____. No information pertaining to a sexual offender shall be removed or expunged from the TBI's centralized record system of sexual offender registration and verification information unless expungement or removal is ordered by a court of competent jurisdiction pursuant to Tennessee Code Annotated, Section 40-39-107. Unless expungement is ordered by a court pursuant to § 40-39-107, such data shall not be removed or expunged from such TBI record system even though the sexual offender's judicial records are expunged following the successful completion of a diversion program pursuant to Tennessee Code Annotated, Title 40, Chapter 15, or Tennessee Code Annotated, Section 40-35-313.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it and shall apply to sexual offenders and information pertaining to such sexual offenders who are on diversion programs on the effective date of this act as well as offenders placed on such programs after its effective date.